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09/821,757	03/30/2001	Philipp Albert	41724W003	5161

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EXAMINER

YOON, TAE H

ART UNIT

PAPER NUMBER

1714

10

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/84,757

Applicant(s)

Albert et al

Examiner

T. Yoon

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1-27-03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 14 is/are allowed.
- ☒ Claim(s) 1-13, 15, 16 and 18-20 is/are rejected.
- ☒ Claim(s) 17 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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The examiner regrets the misunderstanding of the recited formula.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Improper Markush language is recited, and “from the group consisting of” in line 2 should be located before “quartz”.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 10, 12, 13, 15, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as obvious over Lapin et al (US 5,139,872) or Liu et al (US 5,147,727) in view of Nair et al (US 6,308,001) or Hirose et al (US 4,694,052).

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Lapin et al teach the instant vinyl ether terminated monomers and a photopolymerization for optical coatings thereof at col. 10, line 44 to col. 12, line 24 wherein diaryliodonium salts and additives are seen. Liu et al teach same in abstract and examples and at col. 4, lines 27-31.

The instant invention further recites fillers. However, the use of fillers in coating compositions is well known as taught by Nair et al, col. 8, line 22 and Hirose et al, col. 6, lines 13-18. The recited preamble, a dental material, alone has little probative value.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize the art well known fillers of Nair et al or Hirose et al in Lapin et al or Liu et al since Lapin et al and Liu et al teach employing additives and since the use of fillers in coating compositions is well known as taught by Nair et al and Hirose et al absent showing otherwise.

Claims 1-7, 9-13, 15, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as obvious over Lapin et al (US 5,139,872) or Liu et al (US 5,147,727) in view of Nair et al (US 6,308,001) or Hirose et al (US 4,694,052), and further in view of Yang et al (US 5,969,000).

The instant invention further recites treated-fillers over Lapin et al, Liu et al and Nair et al. However, the use of treated-fillers to improve compatibility of fillers and a matrix resin is well known practice in the art as taught by Yang et al, col. 6, lines 43-67.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to further utilize a silane treated silica of Yang et al in Lapin et al, Liu et al, Nair et al

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and Hirose et al thereof since the use of treated-fillers to improve compatibility of fillers and a matrix resin is well known practice in the art.

Claims 1-10, 12, 13, 15, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as obvious over Lapin et al (US 5,139,872) or Liu et al (US 5,147,727) in view of Nair et al (US 6,308,001) or Hirose et al (US 4,694,052), and further in view of Palazzotto (US 4,889,792) or Levy (US 6,042,943).

The instant invention further recites a sensitizer over Lapin et al, Liu et al, Nair et al and Hirose et al.. However, the use of a sensitizer with a photoinitiator in a photopolymerization to enhance polymerization well known practice in the art as taught by Palazzotto, col. 3, line 61 to col. 4, line 65 and Levy, col. 9, line 60 to col. 10, line 44.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to further utilize a sensitizer of Palazzotto or Levy in Lapin et al, Liu et al, Nair et al and Hirose et al, thereof since the use of a sensitizer with a photoinitiator in a photopolymerization to enhance polymerization well known practice in the art.

Claim 14 is allowed.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/June 9, 2003

Tae H. Yoon
TAE H. YOON
PRIMARY EXAMINER